

**Notice of Allowability**

Application No.

09/703,622

Examiner

Myriam Pierre

Applicant(s)

COYNE ET AL.

Art Unit

2654

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/07/2005.
2. ☒ The allowed claim(s) is/are 1-18, 20-26, 28-34 and 36-40.
3. ☒ The drawings filed on 02 November 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### **Response to Amendment**

1. Applicant's Amendment filed 01/07/2005, responding to the OA of 03/09/2004, Examiner acknowledges the amendment to the specification, and amendments to the claims, currently amended claims 1-11, 15-18, 20-21, 23-26, 28-29, 31-34, and 36-37; cancelled claims 19, 27, and 35; and new claims 38-39.

### **Response to Arguments**

2. Applicants arguments, see pages 12-19 of the amendment filed 01/07/2005, with respect to claim the cancelled claims 19, 27, and 35; currently amended claims 1-11, 15-18, 20-21, 23-26, 28-29, 31-34; and 36-37 and new claims 38-39, have been fully considered and are persuasive. The rejection of claims 1-18, 20-26, and 28-34, 36-37 has been withdrawn.

### **Allowable Subject Matter**

3. Claims 1-18, 20-26, and 28-34, 36-39 are allowed over the prior art of record. The following is an examiner's statement of reasons for allowance:

Claims 1, 11, 21, and 29 describe depictees/avatars which are modifiable via word parameters used to control a scene, in which identifying and modifying depictees/avatars is implemented to resolving conflicts between descriptive elements in a scene.

Badler et al. teach an avatar which acts according to set rules, but does not teach resolving conflicts between descriptive elements in a scene.

Art Unit: 2654

Joshi et al. teach lexical word structure, but does not teach implementing words to modify an avatar or descriptor in order to resolve conflicts between descriptive elements in a scene.

However, Neither Badler et al. nor Joshi teach nor fairly suggest singularly nor in combination implementing depictees/avatars that are modifiable via word parameters used to control a scene, such that identifying and modifying depictees/avatars is implemented via word parameters to resolve conflicts between descriptive elements in a scene.

No new art was found.

Dependent claims 2-10, 12-18, 20, 22-26, 28, and 30-35 are allowed since they further limit each of the respective independent claims 1, 11, 21, and 29 or their own parent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myriam Pierre whose telephone number is 571-272-7611. The examiner can normally be reached on Monday - Friday from 5:30 a.m. - 2:00p.m.

  
**RICHEMOND DORVIL**  
SUPERVISORY PATENT EXAMINER

Art Unit: 2654

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information as to the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

06/14/2005